PRICE ONE CENT.

EVENING EDITION.

NEW YORK, TUESDAY, NOVEMBER 29, 1887.

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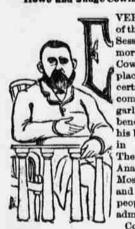
#### PRICE ONE CENT.

# **MOST TELLS HIS STORY**

The Jury Hears His Version of the "Incendiary" Speech.

He Did Not Mean to Urge Anarchists to Riot and Bloodshed.

The Gathering Was Very Quiet and Peace fel-It Would Be "Absurd" to Make Threats and Defy the Law-He Handed a Reporter Notes of His Speech-Mrs. Hoffman and Many of His Anarchist Friends in Court-Questioned by Mr. Howe and Judge Cowing.



VERY seat in Part I. of the Court of General Sessions was taken this morning when Judge Cowing ascended to his place. Johann Most certainly could not complain of a "beggarly array of empty benches" as he made his bow from his place in the witness-box. Most in the chamber,

and as many other people as could gain admission to the room. Counsellor Charlie Brooke, who defended "Honest" John O'Neil with a six-hour speech, passed around the Anarchist and surveyed him curiously. Two ladies entered. One seated herself near the door, the other passed on to a place inside the bar. Which was Mrs. Hoff-

place inside the bar. Which was Mrs. Hoffman, the Anarchist's wife, who bailed Most? Which was Lena Fischer, Most's whilom affinity? Each had blonde hair, bordering on red. The audience was equally divided on this point. One was Mrs. Hoffman and the other the wife of a court officer.

Mr. Howe'opened the proceedings by denying that he knew aught of the threatening letter received by Judge Cowing yesterday.

Then Most was called to the stand. He denied any knowledge of this anonymous letter. Mr. Howe examined the Anarchist, speaking slowly, and Most answered as slowly, articulating the English words with extreme care and accuracy. He sat in a "hunch" in the witness chair and looked even smaller and less terrible than when on his feet.

Mr. Howe—O. How old are you Most? A.

Mr. Howe—Q. How old are you, Most? A. Forty-seven years, sir.
Q. Where were you born? A. In Augsburg, Germany.
Q. How were you educated? A. In the common and high schools of Germany.
Q. How long were you at school? A. Eight years.

Q. Are you in the habit of making speeches, and taking notes before you speak? A. Yes, sir, I requently speak and usually take notes.

Q. Did you attempt to incite your hearers at rasmer Hall to acts of violence to the danger of speace of New York? A. How could I? It round be abured!

Was the meeting peaceful or was there a Q. Was the heeting yellet.
Q. When a man in the audience yelled "Reeninge," what did you do? A. I said "Keen ulet! This is no time to talk that way. That

doe't mount to anything."

Most—Let me make a statement about that meeting. That meeting was called, and it was like all meetings of our group. Somebody would speak. I went there and I was asked to speak. I thought it would be proper to talk about the death of the state of the

meetings of our group. Somebody would speak. I went there and I was asked to speak. I thought it would be proper to talk about the death of the Chicago men. The meeting was open and everybody could come m. Schultz was elected referende or chairman, and he said: "Now Citizen Most will speak." Citizen with us is not citizen of the United States, but is more democratic. It means Mr., or something like that. I don't think I could tell my speech fluently. I handed to one, a reporter, the outlines of my speech, but if Mr. Nicoli has ever made a prepared speech he knows that he says something between the outlines.

Mr. Howe—Tell as nearly as you can in this regard what you said and what happened.
Most—I began "Fellow-citizens, you have heard now our meeting in Florence Hall to mourn our Chicago brothers has been stopped by the police. It looks to me as if the Mayor and police cannot argue with as; but, nevertheless, if we cannot meet in public we will meet privately and they will learn that we can educate in private. Four of our comrades in Chicago have been murdered and one has committed saicide, because they have spoken for the workingmen and writted in their behalf. They say that one of them threw a bomb, but everybody knows that they did not prove it and cannot prove it. They were tried for hatred and condemned by the hatred of the capitalists. They were not guilty."

Most began quietly. Then he became solemn, and raised his left hand in gesticula-

Most began quietly. Then he became solemn, and raised his left hand in gesticulation. Towards this climax his voice became serious, loud and shrill, and then dropped again to a low cadence almost soft and musical in its mournfulness. He continued:

Then I talik there was a cry of "Rachel" "Revengel" and I said, "Not now! It is no time to talk so," All those men, Grinnell, Gary, Oglesby—all are murderers, but we must beware. All workingmen who did not protest against this judicial murder will regret it. It was the greatest murder of the age, and they who did not protest will hear their cry out of their graves, "Murder!" Henry George and Powderly might have stopped the murder if they chose. There was Louis Lingg. He committed suicide. They strangled the others, but Louis Lingg—they tried te make him out insane—he could not stand it and he died. Poor Louis Lingg! I know he spent all his money for paupulets to distribute among the workingmen. Well, \$key\$ are dead! They think Anarchy is dead, but Anarchy is not dead! It still inves and will hive forever. Think they, they c an strangle Anarchyby killing a few ment No! Live Anarchy!

Most was oratorical, and his repetition of

Most was oratorical, and his repetition of his speech was listened to by the audience rapt in silence. He went on as before:

rapt in silence. He went on as before;

Socialism sprang out of the blood of the martyrs from the revolutions of Germany and France. Travel round the globe and you will see that there are, more Communists than there were soldiers of France. They are soldiers of Reaction. Now, I say, if they would know anything about history they would be convinced at once that they are mistaken in their idea that they killed Anarchy in strangling four men. They are strong. They are armed and they have the police. But we are stronger. We have stronger arms—our ideas. Our ideas will prevail, and that is the most impressive revenge which we could have. The gallows will in future be the emblem of marty-dom as the cross has been in the past.

WM. Howe asked Most to repeat what he

Mr. Howe asked Most to repeat what he said about wishing to know the executioner and Most replied:

and Most replied:
"Why, I don't know. I don't see any sense in that. It may be—I don't see why I would like to see such a mean fellow as that. No, I wouldn't like to see him."

Mr. Howe—Well, you don't mean by that that you would do him bodily injury, do you?

Most—Ah, no! I never did any injury to any one.

one.

Mr. Howe—Did you say that for every one of these ave 500 would be stain in revenue?

Most—Oh, no, sir; I would be foolish to talk so in a public meeting. I did not, I went to prison

once and I was careful this night not to transgres the law.

Assistant District-Attorney Nicoll cross-examined. While Most responded readily to the questions of his counsel, he resorted to the tactics of the familiar Old Bailey witness so graphically pictured by Dickens, beat about the bush, evaded equivocated and finally answered the questions with rejuctance. He said:

"No, I did not go on the stand in my former trial. I made a speech to the jury. I thought that was better. Lam always ready to speak at these meetings. I take my notes in ten minutes."

Mr. Nicoli—How many times have you been in prison?

Most was about to answer when his counsel interposed. "Don't answer. I object!" said Mr. Howe said. Most said that he was willing to tell, and argued the point with Mr. Howe. Judge Cowing allowed the question, and Most said that he served one year in 1869 in Austria and was sentenced to five years in Austria 1879. Austria in 1870.

Mr. Nicoll—What were you convicted of? Most—What they call treason in that country o

tyrania.

Mr. Nicoll—Where were you sent to prison after that and what for ?

Most—In despotic Germany, for calling the Emperor a murderer.

Herr Most said that he had served eight Herr Most said that he had served eight months in Chemnitz, Saxony, in 1873, for calling the Emperor a butcher, a slaughterer. In 1874 he was sentenced at Berlin to one and one-half years for communistic speeches. In 1878 he served two months for blasphemy. In 1881 he spoke in England in approval of the blowing up of the Czar of Russia, and he was convicted by a jury "in favor of the Czar" and he got sixteen months for that. He was then editor of the Freiheit, Anarchist paper in London.

Condon.

Fretheil is the organ of Anarchy and Socialism, for the former is a variety of the latter. Most said that he was a member of the International Workingmen's Society, which taught Anarchy, but he could not tell whether the Chicago martyrs were members or not. He knew three or four of them personally. Most said that he was not an officer of that society—they had none, they would acknowledge none. They had no bureaus, no head, no responsible leader. They practise Anarchy as they teach it.

"How would your organization arrive at the conclusion to throw a bomb?" asked Mr. Nicoll.

Nicoll, While Mr. Howe, Mr. Nicoll and Judge While Mr. Howe, Mr. Nicoli and Judge Cowing were debating the question of the admissibility of this, Most replied: "That never came up, so I don't know." Mr. Nicoll's endeavors to get the fact of the authorship of Herr Most of several doen-ments and books calculated to stir hot-blood-ed men to unusual acts caused Mr. Howe to holl over in anger.

mefits and books calculated to stir hot-blooded men to unusual acts caused Mr. Howe to boil over in anger.

Judge Cowing rapped on his desk and cried, "Be calin, be cool!"

"I am calm! I am cool! I never was cooler in my life!" exclaimed the defending counsel, rising hotly and trying hard to work his nettled back away from his nettling shirt and collar, his face aflaming, glowing with inherent coolness." There was a genuine guffaw all over the court-room at this.

Most declined to answer whether he had written advising the use of explosives in Revolutionary warfare; advice of how to manufacture cheap explosives; how to use explosives and their effect: to procure the best quality of fuse and avoid its spoiling by soaking in moisture or incasing in rubber; that a wire or electric button is preferable in using an explosive at a distance, while a fuse is better when only a few moments is necessary in which to get away; that when "brilliant results are desired dynamite should be used in a strong shell." Most declined to answer on the ground that it would criminate him and would prejudice the jury.

Mr. Nicoll asked Most if he had advised the use of dynamite and had given instructions for the manufacture of bombs, Most would not answer. A number of questions of a similar nature were then asked. Most lost all patience and shouted out: "I decline to answer."

Most made a long explanation of the meaning of Anarchy, which, he said, was organized to put down the rebellion of the capitalistic class, and to overthrow Governments. Bombs, dynamite and nitro-glycerine would be used on both sides in the resolution, which was coming. Most in the revolution which was coming. Most denied step by step all the utterances alleged A recess was then taken.

# THE NEWS IN WALL STREET.

#### Slight Scare Keeps Prices Down in the Early Dealings-Gossip.

As usual, after prices have slumped a few points, weak holders of stocks this morning feared that the bottom of the market would drop out and they hastened to sell. The big guns grabbed up the shares

thrown overboard and then proceeded to bid the whole list up.

Money has been offered in considerable amounts on call and 5 a 6 per cent. have been the ruling rates. The Sub-Treasury was debtor at the clearing-house this morning \$861,539. The clearing-house statement shows exchanges, \$142,191,244, and balances,

8.7.155,978.

In London American railway securities declined 1/2, to 1 per cent. Consols are 1-16 higher at 103.7-16. In Paris rentes are 13c.

lower at 81f. 75c.	on except	SHILLINGS	3797070
THE QUOTATIONS			
Open.	High.	Bone, C	los'a.
Canada Southern	56%	5554	8634
Clev., Cot., Cin. & Ind 51%	513%	51%	61%
Chie. Burl. & Quincy	128	1074	128
Chicago & Northwest 109%	10936	10874	10914
Chie., Mil. 4 St. Paul 75%	7532	7452	7537
Chic., Mil. & St. Paul pfd 1125		112%	11237
Chic., Rock Is. & Pac 113	1137	113	113%
Col. & Hocking Val	24%	2476	2436
Colorado Coal & Iron	8714	3036	3714
Constituted Can 74M	7436	7436	7434
Det. Lack & Western 181M	18304	18137	1315
Deiaware & Hudson 105%	105)	105	1.05%
E. Tenn., Va. & Ga	6316	63	033
E. Tenn., Va. & Ga. 1st prd., 23% E. Tenn., Va. & Ga. 2d prd., 23%	5112	28 *	5933
Deiaware & Hudson 105% E. Tenn., Va. & Ga. 1094 E. Tenn., Va. & Ga. 1st pfd. 63% E. Tenn., Va. & Ga. 2d pfd. 23% E. Tenn., Va. & Ga. 2d pfd. 60%	216	60	P032
Lake Shore 94%	94%	94%	9434
Lake Shore	15%	1512	15
Lake Eric & Western pref 40%	101	10034	101
Manhattan Consol	88	Bo	88
Mil. I. S. & Western 85%	8544	85	85
Mil., L. S. & Western pfd 105%	105%	105%	105%
Michigan Central   88   88   85   85   85   85   86   86	934	2.14	.934
Missouri Facific	1832	8917	90% 18%
	75	44.05	2572
New Jersey Central 70 New York Central 1075 New York & New England 555 N. Y. Lake Erie & Western 29 N. Y. Lake Erie & West pid 659 New York, Stand, & West 95 N. Y. Saed, & West 95 N. Y. Saed, & West 95 N. Y. Saed, & Western pid 30,6	107	107%	107%
New York & New England 58%	34%	3834	39%
N. Y., Lake Erie & Western . 22	22	2834	2234
N. Y. Lake Erie & West pld. 65%	6532	60	0024
New York, Susq. & West 30% N. Y. Susq. & Western pfd 30%	8014	80%	8014
	1832	162	164
Norfolk & Western pfd 41%	4137	4136	4137
Northern Pacific 46%	40%	65%	46%
Ohlo & Minterestrati	2312	16%	287
Ontario & Western 18% Oregon Railway & Navigation. 89	601	89.4	165
Oregon Transcontinental 20%	2012	20	20%
Change Improvement 40	41	40	41
Pacific Matl	39	68	35%
Philadelphia & Reading 68%	1016	2014	0.00
Pullman Palace Car Co. 13856	13514	1562	1884
Richmond & West Point Ter., 26%	27	35%	1385
Kich, & West Point Ter, pfd., 61 s	6134	相接	#1995
Partiti Mail 57 be hindelpina & Reading 6834 Fouria, Decatur & Evaneville 21 Billion 1	1995	38%	要別なか
St. Louis & San Fran. 36	107%	10636	1073
St. Louis & San Fran. pfd 725	7246	7254	725
Texas Pacific	2632	2534	26
Tenn. Con & Iron 28%	2934	2837	293
Union Pacific	5634	04%	56
Wabash, St. Louis & Pacific 174	41.09	17.56	217

Joe Coburn Again in Custody. Joe Coburn, the ex-pugilist, was arrested on warrant this morning on complaint of Emile Paul, proprietor of the "Gridiron," No. 470 Sixth avenue, for assault.

# CRASH ON THE RAIL.

A Coal Train Runs Into an Express on the Pennsylvania.

Engineer Smith Fatally Injured and Several Others Seriously Hurt.

Details of the Disaster Hard to Get, but the Block-Signal System was Defective Somewhere-Several Passengers for New York Had Narrow Escapes with Their Lives-New Yorkers on the Train.

There was a great crash on the Pennsyl vania Railroad, Camden Branch, near Hightstown, N. J., this morning. Passenger train No. 304, bound to New York, ran into a coal train near the old bridge, making both trains a complete wreck.

Engineer Joseph H. Smith, of the passen ger train was crushed in his cab, and is believed to have sustained fatal injuries. Smith lives in Highstown.

Charles Hunt, baggage master of the passenger train, was also dangerously injured. He lives in Hightstown.

A number of the passengers on the train were badly hurt, but fortunately no one was

of them coming in Ito New York to business. Many of the passen saw that a collision was came, and there was a panic in every car. Fortunately both trains were running at slow

passengers not injured by calm the fears and alleviate the suf-The cries of Engineer Smith were pitiful. His wounds were dressed by a local physician and arrangements instantly made to send him to his home.

It is almost impossible to get any details of the accident. Information was sent to the main offices of the road in Jersey City, but the people in charge this afternoon declined to give much of it to the public. So far as could be scertained somebody blundered in manipulating the block-signal, a system which is copularly presumed to be proof against accidents of this kind.

Another report says that the freight train was behind time, trying to make up, and was on the up track without having the right of

vers knocked to splinters. How the passen gers escaped death is a marvel. The freight train was thrown from the track

Two of the injured men, one with his arm and ribs broken and another with his thich crushed, have been carried to the Old Bridge depot and a physician attended them The line is blocked by debris.

# A RIOT IN A SALOON.

An Argument on Anarchy Enforced by Sev-

There was a small riot in Henry K. Miller's morning. William Dowling, a lather, living at 301 East Seventy-sixth street, was discussing anarchy with William Waters, a friend, of 1638 Avenue B, and Adolph W. Shuler, of 409 East Seventy-eighth street. Both had been drinking, and words easily led to blows. Dowling, evidently determined to establish

the reign of anarchy then and there, picked up a revolver and hammered Shuler on the head with the butt of it, then turned

picked up a revolver and hammered Shuler on the head with the butt of it, then turned the business end of the weapon on the saloon-keeper and another man, Louis F. Huth, of 431 East Eightieth street, who were at the bar. He planted one bullet in Huth's neck that knocked him over like a log, and sent another through the saloon-keeper's hand, By this time the saloon was in an uproar.

The shots and yells of murder were attracting a crowd in the street. Dowling had temporarily disappeared in the cloud of smoke and dust. When it cleared away the saloon-keeper discovered Dowling behind the bar with his hands in the money-drawer. The sight made him furious. He sprang upon him, and, seizing a revolver that was lying in the drawer, opened fire for himself. Dowling disappeared as if shot out of a gun, and the police came.

Between 3 and 4 o'clock detectives found Dowling in Parepa Hall, at Eighty-sixth street and Third avenue, with a bullet from saloon-keeper Miller's revolver in the left foot. He was taken to the Fifty-ninth street station and locked up on three distinct charges of felonious assault. Waters was also arrested.

Dowling and Waters were arraigned in the

charges of felonious assault. Waters was also arrested.

Dowling and Waters were arraigned in the Yorkville Police Court this morning. Dowling pleaded ignorance of any complicity in the shooting, and, in fact, said that he did not believe that he was in Miller's saloon last night at any time. Waters said nothing. Miller failed to positively identify his assailants, and Dowling, against whom all blame is now centred, was remanded until 8 o'clock to-morrow morning to allow Huth, if possible, to identify him.

# HE DIED IN THE HARNESS.

John J. Herrick Falls Dead in His Chair at the Custom-House.

John J. Herrick, clerk in the Custom. House, died suddenly of heart-disease this morning, while seated at his desk, Mr. Herrick appeared in his usual health when he entered upon his duties to-day, but he had scarcely taken his seat, when sud-denly and without warning his head fell forward on his breast and before assistance could reach him he was dead. Mr. Herrick was seventy-one years old, and had been twenty-six years in the Government service.

Sin Twice Committed come loss a crime. But pain grows more intense until

#### DAN DRI COLL MUST HANG. His Conviction Affirmed by the Court of Appenls.

ALBANY, Nov. 29 .- Daniel Driscoll, who murdered Bezie Gerrity in John McCarthy' dive, will have to hang. The Court of Appeals has affirmed his judgment and con-

A World reporter called at the Tombs to see how Dan Driscoll had received the news that the Court of Appeals would not rescue him from the gallows for killing Bezie Gar-

rity.
"Can I see Driscoll?" asked the reporter.
"No!" said the Warden.
"How does he take the news that he is to

"He has not got it yet, and I think it is

"He has not got it yet, and I think it is his lawyer's place to give it to him."

"Has he been hopeful in regard to the re-sult of the appeal?"

"Oh, they are always hopeful," said the fat Warden, wearily.

Mr. Howe, Driscoll's lawyer, was at Most's trial, where he will be detained till 3 or 4 o'clock, so Driscoll will have a few hours nors of homefulness.

o'clock, so Driscoll will have a few hours more of hopefulness.

The crime for which Driscoll is to suffer the extreme penalty of the law is the murder of his mistress, Bezie Gerrity, in McCarthy's dive in Houston street last year.

Driscoll will have to be resentenced, as the time when he was sentenced to be hung is past, and he is in the condition of a con-demned man whose day of execution is not appointed. appointed.

#### LOTTA SUED FOR \$50,000.

She Was the Cause of Mr. Samuels, of Boston, Missing a Train.

[SPECIAL TO THE WORLD, I Boston, Nov. 29.-Just before leaving Boston for Salem yesterday afternoon, the popular little actress known all over this continent as Lotta, was waited upon by a "minion of the law," who served her with papers in a suit instituted against her by Mr. Abiram Samuels, in which the damages are laid at

Mr. Samuels, who, it appears, is a commercial traveller for a paper concern in Cincinnati, alleges that he has been hindered and delayed in business in consequence of Miss Lotta having been the means of preventing him catching a train from the Providence depot one day last week, under the following circumstances: Mr. Samuels had chartered a herdic from the Hotel Brunswick to convey him to the depot, and had barely time to make the train. The vehicle was drawn by an ancient animal that was evidently unfit for work. Mr. Samuels, however, was too much engrossed in his business to notice this, and, in any case, according to his view, it wasn't his affair.

Lotta chanced to be returning from a walk in the Public Garden, and when she caught sight of the wretched horse lame in every leg and plainly unable to respond to the liberal persuasions of the driver's whip, her well-known sympathy for all sorts and conditions of animals was aroused, and, springing into the road, she commanded the man to stop. The Jehu, after the manner of his kind, of course refused—the poor animal was willing enough—and emphasized his refusal with his opinion, in anything but choice Anglo-Saxon, as to the daring conduct of the little lady. Lotta was nothing daunted, however, and held on to the bridle, regardless of the efforts of the driver to reach her with his whip, until a policeman arrived on the scene and relieved her by directing the driver to take his horse to the stable.

the stable.

Meanwhile Mr. Samuels had been furiously conjuring the driver, and a crowd had, of course, assembled. The incident occupied some three or four minutes, just long enough to result in Mr. Samuels losing his train to the West, and he now seeks redress for his loss of time in the manner stated.

# EX-SENATOR ECCLESINE MARRIED.

He Weds Miss Piedad Garcia de Telada in St. Ann's Church This Morning.

Sanator Thomas C P Factoring Miss Piedad Garcia de Teiada daughter of Mrs. Teresa Garcia de Tejada, of 200 West Fifty-sixth street, were married this forenoon at 11 o'clock. The bride is a brunette saloon, at 1480 First avenue, at 1 o'clock this of Spanish appearance. She lived for some years in the United States of Columbia, where she was born, the family being of Spanish origin, but she is not related to the late President Tejada, of Mexico, as might be inferred from the name. The marriage was celebrated at Ann's Church in East Twelfth street, which was blockaded with carriages for some time prior to the event. Father Jackson, assisted by other priests, officiated. The bride wore an elaborate travelling cos-

The bride wore an elaborate travelling costume, as, after a small wedding breakfast at her mother's home in the Vancorleur apartment home, which only the family and a few intimate friends were invited to attend, exsenator and Mrs. Ecclesine started at once for Washington. The wedding gown, which was exceedingly becoming to the youthful beauty of the bride, was of tan-colored silk, cut walking length, with side panels and front and back of corsage, elaborately arranged with oriental trimming, and small bonnet to match. She wore a corsage bonquet, and in her ears diamond hoops, formed of serpents, and also a large diamond pin at her throat, both gifts from her mother.

# DIED OF HYDROPHOBIA.

William Nasquid. After a Long Illness, Ex-

William Nasauld, the furrier, who a month ago was bitten by a Newfoundland dog, and has also been lying in the City Hosdog, and has also been lying in the City Hospital, Brooklyn, for the past few days suffering from a well-developed case of hydrophophia, died at 7.25 o'clock this morning.

His death was peaceful, save for a violent convulsion which came near the conclusion of the second stage of the disease. All day yesterday he was in a semi-conscious condition. During the night he became more quiet. So far as is known Nausold is without friends in this country, and unless some one of his friends come forward his body will be buried by the city.

An inquest will be held by Coroner Rooney.

Rumors of Pelice Changes.

Rumors were numerous at Police Headquarters this morning that the Commissioners were about to shift twenty-three of the captains from one pre-cinct to another. The Commissioners admitted that they had been considering the matter.

#### WASHINGTON, Nov. 29, -For Connecticut, fuir



treather, stight change in temperature; light to A fresh northerty winds becoming variable. becoming variable. For Eastern New York, fair weather, stight changes in temperature, light northwesterly sinds. becoming variable.

# SHARP WINS

# Granted a New Trial by the Court of Appeals.

All the Judges Concur in Reversing the Conviction.

The Prevailing Opinion by Judge Danforth and a Supplemental One by Judge Peckham.

Flatter in the Court of Appeals Chambe When the News Was Announced-Rescor Conkling, Attorney-General O'Brien and Other Eminent Lawyers Listen to it and Lay Their Heads Together-The Judgment Reversed on the Ground That the Court Erred in Admitting the Evidence of Sharp Before the Senate Investigating Committee, and the Testimony of Pottle, of Ex-Alderman Miller, of the Detectives Pheips-The News First Communicated to Mrs. Sharp at Ludlow Street Juli-Assistant District-Attorney De Lancey Nicoll Thinks That Sharp Can Be Convicted Without the Testimony Taken Before the Senate Committee.

#### [SPECIAL TO THE WORLD.]

ALBANY, Nov. 29 .- The Court of Appeals handed down its decision to-day on the appeal of Jacob Sharp from his conviction for bribery in obtaining the franchise for a Broadway railroad from the Board of Alder-



The decision of the General Term affirm ng the conviction is reversed and a new trial is ordered.

The opinion was written by Judge Danforth, and was concurred in by all his associates. A supplemental opinion was written

by Judge Peckham. There was somewhat of a flutter in the

Court of Appeals chamber when the decision was announced. Roscoe Conkling, ex-Judge Noah Davis, Attorney-General O'Brien and other prominent lawyers put their heads together and

conversed shout the decision. Then the wonder increased as it became known that the decision was unanimous.

JUDGE PECKHAM BULES POTTLE OUT. The decision of Judge Danforth is a ponder-

ous document of 104 pages, or 2,500 words. It is accompanied by a supplementary decision by Judge Peckham of about 1,000 words. All the other Judges of the Court concur in both opinions.

The opinion of Judge Peckham is an elaborate review of the testimony of Pottle, the Assembly clerk, who swore that Sharp offered him money to change the wording of the surface road bill of 1883 on its way to the Governor. Judge Peckham finds that Judge Barrett made an error in admitting this testi-

SHARP'S TESTIMONY CANNOT BE USED. The decision of Judge Danforth sustains every point raised by Sharp's counsel and is regarded as a very powerful and learned opinion ever written by Judge Danforth.

A large part of it is devoted to the admission by Judge Barrett of Sharp's testimony before the Senate Investigating Committee. It is held that the admission of this testimony is in violation of article 5, section 2 of the constitution, and section 79 of the Penal Code is interpreted as Sharp's counsel. E. W. Page, maintained.

It is held that the word " investigation" in



to prove the flight of Keenan, Moloney, Concerning the Canadian Exiles and of De Lacy and others to Canada is held to be inadmissible.

#### SHARP HEARS THE NEWS. His Faithful Wife Burst Into Tears, but He

is Unmoved and Falls Asleep. A World reporter was the first to reach Ludlow street jail after the news had been

received that the Court of Appeal had ordered a new trial for Jacob Sharp. Warden Keating refused to permit the reporter to see Mr. Sharp, nor would he tell

Mr. Sharp of the decision himself, because it is the custom at the jail that only the counsel of prisoners shall inform them of the decisons of the court. At 11 o'clock a dozen reporters were awaiting the arrival of Sharp's lawyer. At 11,15

the doors were opened to admit Mr. Clark

a brother of one of Bourke Cockran's law partners, who was immediately admitted to partners, who was immediately admitted to Sharp's presence.

When Mr. Clark came out of the jail he made the following statement as to the manner in which Sharp received the news:

"I found Mr. Sharp reclining on an invalid's oxtension-chair in his bed-room. Mrs. Sharp was moving about the room, and a servant was dusting the mantelpiece. Mr. Sharp's eyes were open, but he seemed to be only half awake.

"I touched him on the arm and said: 'Mr. Sharp, I have very good news for you.' He leaned his head slightly forward, but spoke no word. I had my partner's telegram in my pocket and read it aloud. It was as follows:

ALBANY. Nov. 22.

ALBANY. Nov. 29.

\*\*Real Park row:

Sharp judgment reversed unanimously. Opinions To William H. Corn,
Sharp judgment reversed unanimously. Opinion
by Peckhain and Danforte.
W. BOURKE COCKRAN.

SHARP UNMOVED, MBS. SHARP IN TEARS.

"Mr. Sharp did not seem in the least affected by the news. I believe he understood what I read, but he showed no emotion. If it had been one of the many begging letters which he receives daily he could not have been more unconcerned.

"Mrs. Sharp, however, had listened with rapt attention to what I said, and when I was half way through reading the despatch she burst into tears, knell at her husband's side, and threw her arms about him. She said: and threw her arms about him. She said:
Oh, Mr. Clark, I'm so happy, but I've heard so many rumors about this that I can scarcely believe the news is really true. Let me see the telegram.'
"I put it in her hands, but she could hardly distinguish the writing through her tears.

tears.
"Even his wife's emotion did not lead Mr.

"Even his wife's emotion did not lead air. Sharp to make the least demonstration of joy, either by word or act.

"He seems to be a very sick man. I think the long strain attendant upon his trial and his continued confinement have had a deplorable effect on his bodily and mental

\*\*SOMINAL BAIL EXPECTED.

"There will be no attempt to have Mr. Sharp admitted to bail until Mr. Cockran arrives. He will come to New York by the train which gets there at 7 o'clock, but I do not think he will move in the matter until to-merrow morning. Of course the motion for bail could be made by any other of Mr. Sharp's counsel, but Mr. Cockran is the one on whom Mr. Sharp has relied since his conviction and all through the appeals to the General Term and the Court of Appeals, and it will be he who will make the motion to free his client.

"Any judge of the Supreme Court can admit Mr. Sharp to bail pending the new trial. The bail before conviction was \$50,000. but I think the amount will now be placed at a merely nominal figure."

Peter Mitchell, another of Sharp's counsel, called at the jail soon after Mr. Clark left. He offered his congratulations to Mrs. Sharp, NOMINAL BAIL EXPECTED.

He offered his congratulations to Mrs. Sharp, but the aged prisoner was asleep and it was thought best not to disturb him.

# MAY STILL BE CONVICTED.

document and is accepted as the strongest Mr. Martine and Mr. Nicell Think that Sharp May Get His Deserts,

> The opinion of the Court of Appeals probably excited more surprise in the District-Attorney's office than elsewhere in this city. not only because the case against Sharp was believed to be a very strong one, but also because the conviction had been unanimously confirmed by four judges of the Supreme Court sitting in General Term.

District-Attorney Martine, sitting at his

desk engaged in an earnest conversation It is held that the word "investigation" in that section includes legislative investigation.

The decision also finds error in the admission of the testimony of Pottle. It holds that the testimony of ex-Alderman Miller as to the "supposed" was to pay for their votes on the Broadway road franchise, was inadmissible against Sharp.

OTHER ERRORS.

The testimony of Ed Phelps as to the receipt of money from Sharp to secure the passage of the General Surface Railroad bill by the Legislature is ruled out, and evidence withh is assistant, McKenzie Semple,

# stance gave all of its great ability and been judgment to the consideration of the case. AS TO A SECOND TRIAL

"As to the question of a new trial, were I to continue in office I should move it in January, though that would depend in great measure on the opinion of the Court in reversing the judgment, for I have seen opinions which left so little to prove that a second trial would be useless. If the reversal is only on the question of the Senate Committee testimony and the testimony of Pottle, the Senate clerk, as to attempted bribery, I think that we could still secure a conviction.

"It I were able to try the case I would on-

bribery, I think that we could still secure a conviction.

"If I were able to try the case I would oppose an application for admission to ball, but as there is an incoming administration that will have to look after the people's interests, I must consult Col. Fellows as to the amount of ball which we should demand.

"This decision sets back the trials of the other boodlers almost indefinitely. It undoubtedly affects favorably the cases of Richmond and Kerr, and if we can't convict Sharp we must not expect to convict the others. Sharp must be retried and convicted before the people can hope to push to a successful issue the indictments against Richmond and Kerr."

MR. NICOLL THINKS SHARP CAN STILL BE

MR. NICOLL THINKS SHARP CAN STILL BY CONVICTED.

CONVICTED.

Assistant District-Attorney De Lancey Nicoll, the young prosecutor who had so gallantly fought the array of legal ability brought to the defense of Sharp on his trial and defeated Sharp's lawyers before the jury and the General Term, arrived at his office shortly before 11 o'clock this morning, where he was first informed by a reporter of The World that the Court of Appeals had determined to grant the man in Luddow Street Jail a new trial.

"Was it a divided court," he quietly asked, and when told that it was not, he continued: "If the Court of Appeals has decided that it was error to admit the evidence taken before the Senate Committee I think that Sharp can still be convicted without it.

"I do not know what the policy of the prosecution will be with regard to a new trial. I shall probably not participate in it if one is had, as I will be out of office.

"Of course the question of the admission of Sharp to bail will arise, but there is no necessity for such action if his trial is moved inmediately. But I can see very little about the decision until I see the opinion."

Asked with regard to the appeals now pending in the cases of ex-Aldermen McQuade and O'Neil, Mr. Nicoll said: "There were no points on the appeal in the Sharp case that were identical with any in the O'Neil case. In the case of McQuade, however, there was the question of error inproving the absence of the Canadian exiles—the Reenan crowd. If that was a point relied on by the court in its decision, it will be of service to Mr. Newcombe in his appeal.

New QUESTIONS DECIDED.

NEW QUESTIONS DECIDED.

Assistant District-Attorney Davis said that the result was not so great a surprise as a reversal in the Jahne case would have been. There were in the Sharp case many new questions and there was consequent doubt. It seemed too bad to put the county to the great expense of a new trial, but there seemed to be no doubt in the mind of Mr. Davis that Sharp would be convicted again. JUDGE BARRETT SURPRISED. Judge Barrett manifested surprise when as he was entering Supreme Court, Chambers, this morning, he was told how his rulings bad been ruthlessly reversed. Being asked for his impression he hesitated a moment and replied: "Under the circumstances I think that I had better not say anything. I hope the gentlemen of the press will fully appreciate my position."

SHARP'S LAWYERS GRATIFIED. A Motion to Admit Him to Ball May be

Made To-Morrow. Mr. Albert Stickney, who was Sharp's principal lawyer, was found at his office, at 31 Nassau street. He had received a despatch from Albany announcing the decision of the Court of Appeals before the reporters pounced upon him. Mr. Stickney said he did

not wish to express any opinion. "I am not surprised," he remarked. "I have maintained all along that Mr. Sharp would get a new trial. I had no doubt that the Court of Appeals would decide that Mr. Sharp had been convicted on illegal evidence."

Mr. Peter Mitchell is one of Sharp's lawyers who has never doubted that a new trial
would be granted. He did not arrive at his
office in the Stewart Building until noon.

"You know," he remarked, "that I have
always been confident of a new trial being
granted Mr. Sharp. I was certain that the
judges of the Court of Appeals would decide
that the evidence given by Mr. Sharp before the Senate Committee should not
have been used against him on his
trial. There was hardly a lawyer in
the city except those engaged in the
prosecution who did not at the time declare
that the admission of that evidence was
clearly illegal and unjust. Then the testimony of the witness Pottle was against the
laws of evidence. In fact, the prosecution
put in a lot of evidence
such as was never before admitted in any trial that I have ever read of or
heard of. I have been so confident of a new
trial being ordered that I may say that I may
say that I am not surprised at the decision.
I did not think the decision would be handed
down until to-morrow. I was at my house,
325 West Fifty-sixth street, when a despatch
arrived announcing the good news. It came
about 10 o'clock." FELT CONFIDENT ALL ALONG.

A MOTION FOR BAIL. "What will be the next move in Mr. Sharp's behalf?"
"Why, I suppose we will move to have him admitted to bail. He is a very sick man and should be admitted to bail without de-

John E. Parsons, one of Sharp's leading lawyers, was in the Supreme Court trying a case before Judgo Ingralam when he heard of the decision. He was extremely elated at the news that Sharp's sentence had been reversed. Said he "It is very gratifying to me to know that the decision was unanimous, I didn't see very well how it could be otherwise."

I didn't see very well how it could be otherwise."

"From the outset," said Richard S. Newcombe, "I have said that the admission of Pottler's evidence would result in reversal. Then the admission of the Senate Committee evidence was certainly improper. I was a little disappointed that the General Term did not reverse the judgment. I am satisfied that the Court of Appeals has done rightly."

W. Bourke Cockran is in Albany. He arrived there last evening. He will obtain a certified copy of the decision of the Court of Appeals, and will probably return to this city to-night. He may appear in court tomorrow morning and ask that Mr. Sharp be admitted to bail.

"THE BOTTOM ENOCKED OUT OF THE CASE."

" THE BOTTOM ENOCKED OUT OF THE CASE." Ex-Judge Homer A. Nelson, of counsel for Sharp, was found at his office in the Bennett Building. He greeted the reporter cheerily with: "Well, they've knocked the bottom clean out of the case, haven't they? There isn't enough left for a new trial.
"Well, I haven't said much, but I have al-

Continued on Fourth Page.